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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Plaintiff Jason Johnson (“Plaintiff”) and Defendant SharkNinja Operating LLC (“SharkNinja”) (jointly “parties”) hereby file their Stipulation to Amend the August 27, 2024, Minute Order (Docket Number 34) to continue the Dispositive Motion Deadline and date to hear Defendant’s Motion to Exclude Expert Witnesses to November 22, 2024.

A. The Nature of the Case and the Claims.

On September 12, 2020, Plaintiff was using a SharkNinja pressure cooker. Plaintiff alleges that the pressure cooker's lid unexpectedly and suddenly blew off the pot in an explosive manner. Plaintiff further alleges that the contents of the pressure cooker were forcefully ejected out of the pot and onto Plaintiff, causing severe, disfiguring burns to his arms, chest and stomach.

1 Plaintiff asserts claims for Strict Products Liability and Negligence. Plaintiff is seeking
 2 damages for: (1) past medical expenses; (2) past and future physical pain and suffering; (3) past and
 3 future mental pain and suffering; (4) lost wages; (5) loss of full enjoyment permanent injuries; (6)
 4 physical impairment; (7) loss of enjoyment of life; and (8) punitive damages.

5 On August 22, 2024, Defendant filed its Motion for Summary Judgment and Motion to
 6 Exclude Expert Witnesses with a Note Date of September 26, 2024. (Docket 29 and 30) On that
 7 same day, the Court Ordered that the case be reassigned and that all due dates and hearings were
 8 vacated. (Docket Number 32) On August 26, 2024, the case was reassigned to Judge Mueller.
 9 (Docket Number 33) On August 27, 2024, the court reset the Dispositive Motions and Motion to
 10 Exclude Expert witnesses hearing to October 4, 2024, and a briefing schedule pursuant to Local Rule
 11 230. (Docket Number 34)

12 The parties have conferred and in light of scheduling issues jointly propose the below
 13 changes to the Court's Minute Orders outlined above.

14 **B. Requested Changes to the Court's Minute Order of August 27, 2024**

15 The Parties request the following changes to the Court's Minute Order of August 27, 2024
 16 (Docket Number 34):

Event	Current Date	Requested Date
Dispositive Motion Deadline/Hearing on Motion for Summary Judgment and Motion to Exclude Expert Witnesses	October 4, 2024	November 22, 2024
Response to Motion for Summary Judgment and Motion to Exclude Expert Witnesses		October 18, 2024
Reply to Motion for Summary Judgment and Motion to Exclude Expert Witnesses		November 8, 2024

25 **C. Good Cause for the Requested Changes**

26 The Parties jointly bring before the Court this Stipulation for their fourth request for
 27 continuance. This request for an extension will allow the Parties to accommodate their schedules
 28

1 and provide additional time to prepare their respective response and reply to the previously-filed
2 Motion for Summary Judgment and Motion to Exclude Expert Witnesses.

3 Under Fed. R. Civ. P 16(b)(4), “[a] schedule may be modified only for good cause and with
4 the judge’s consent.” “Good cause” is a non-rigorous standard that has been construed broadly
5 across procedural and statutory contexts. *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259
6 (9th Cir. 2010). The good cause standard focuses on the diligence of the party seeking to amend the
7 scheduling order and the reasons for seeking modification. *Johnson v. Mammoth Recreations, Inc.*,
8 975 F.2d 604, 609 (9th Cir. 1992). “[T]he court may modify the schedule on a showing of good
9 cause if it cannot reasonably be met despite the diligence of the party seeking the extension.” Fed. R.
10 Civ. P. 16, advisory committee’s notes to 1983 amendment. Therefore, “a party demonstrates good
11 cause by acting diligently to meet the original deadlines set forth by the court.” *Merck v. Swift
12 Transportation Co.*, No. CV-16-01103-PHX-ROS, 2018 WL 4492362, at *2 (D. Ariz. Sept. 19,
13 2018).

14 Good cause exists for a continuance of the deadline for hearing of the Defendant’s Motions
15 for Summary Judgment and to Exclude Expert Witnesses. The Parties have been diligent and have
16 worked collegially in this matter. The parties met and conferred to discuss the need for the
17 continuance, and all agreed it was necessary.

18
19 DATED September 4, 2024. Respectfully Submitted

20
21 GUENARD & BOZARTH, LLP

22 By: s/Ross Bozarth
23 Ross Bozarth, CA Bar #179171

24 DATED September 4, 2024. FRIEDMAN | RUBIN, PLLP

25 By: s/Roger S. Davidheiser
26 Roger S. Davidheiser, WA Bar #18638 PHV

27 Attorneys for Plaintiff
28 Jason Johnson

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2
3 DATED September 4, 2024.

Respectfully Submitted

5 SHOOK, HARDY & BACON L.L.P.
6
7 By: /s/ Abigail Hudson
8 Abigail Hudson, CA Bar #327632
9 Michael Cappo, MO Bar #65823 Pro Hac Vice
10 Attorneys for Defendant
11 SharkNinja Operating LLC
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ORDER

The parties' stipulated request to extend time is GRANTED. The Dispositive Motion deadline and Motion to Exclude Expert Witnesses is hereby extended from October 4, 2024, to November 22, 2024.

It is further ordered that the deadlines for response and reply to the previously filed Motion for Summary Judgment and Motion to Exclude Expert Witnesses are extended to October 18, 2024, and November 8, 2024, respectively.

IT IS SO ORDERED.

DATED: September 6, 2024.

CHIEF UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I certify that on this day, a copy of the foregoing document was served on the following individuals via the manner indicated below:

6 Abigail Hudson, CA Bar No. 327632 Shook, Hardy & Bacon LLP 2121 Avenue of the Stars, Suite 1400 Los Angeles, CA 90067 ahudson@shb.com	<input type="checkbox"/> Messenger <input type="checkbox"/> US Mail, postage prepaid <input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> USDC EDC E-Filing Portal
7 8 <i>Attorney for Defendant</i>	

I certify under penalty of perjury under the laws of the state of Washington, that the foregoing is true and correct.

Dated September 4, 2024.

s/Trish Bashaw
Trish Bashaw, Paralegal
FRIEDMAN | RUBIN, PLLP